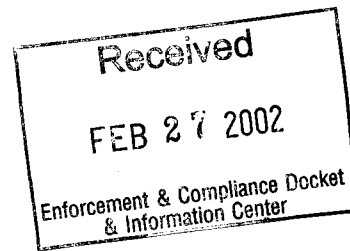




EC-2000-007  
IV-D-128



## MEMORANDUM

TO: David Schwarz  
Office of Environmental Information

FROM: Bill Welty  
CIO, California Air Resources Board

DATE: February 27, 2002

SUBJECT: PUBLIC COMMENTS ON DOCKET NUMBER: EC-2000-007

My brief comments are based on a review of the proposed Cross-Media Reporting and Record-Keeping Rule (CROMERRR), and an analysis of how it would impact the the Air Resources Board (ARB), its clients and stakeholders. I also reviewed the comments submitted by the Society of Quality Assurance and reviewed the document entitled "CROMERRR: An Expensive Mandate for States".

As I understand it, the proposed rule sets the performance-based criteria for state electronic reporting systems and sets standards for maintaining electronic records. Both are necessary conditions to facilitate the development of systems, or replacement of existing albeit non-compliant systems. It also sets standards for electronic records. CROMERRR would ostensibly allow the programs delegated under CRF 40 to benefit from the efficiencies that electronic reporting systems hold over paper-based processes.

It appears that the proposed regulation sets the internal record-keeping standards too high, not just difficult for the ARB to meet, but also too high for ARB's reporting entities; for example, Air Districts, industrial facilities. As a consequence, it discourages the development of electronic systems undermining the intent and purpose of the Rule.

The ARB does not have the system development or even contract-based resources necessary to meet the proposed CROMERRR requirements. It is concerned that the Rule is silent on exemptions or the "grandfathering" of existing state systems. This means that before the ARB could continue accepting electronic filings, its existing

applications would have to be redeveloped. This would be burdensome.

The bottom line is that the proposed requirements are electronic reporting mandates that the ARB must implement in the manner prescribed by the EPA. They also mandate that we implement the EPA's requirements governing the electronic recordkeeping of the regulated community without regard for existing systems or the ability of the governed community to meet the Rule's requirements.

Based on your voice messages to me on this Rule and the plethora of comments the EPA is receiving on it, I trust that it will continue to undergo revisions and that additional hearings and comments will be taken. The vision of the Computer Data Exchange (CDX) is a powerful one; the open question is how best to achieve it.

*The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our Website: <http://www.arb.ca.gov>.*

**California Environmental Protection Agency**

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